

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

FROST SOLUTIONS, LLC,

Plaintiff,

v.

PATRICK BAGLIEN, CHRISTOPHER
LAREAU, and VUE ROBOTICS, LLC,

Defendants.

Case No. 1:22-cv-00401-SE

**PLAINTIFF’S MOTION TO SEAL PORTIONS OF DEFENDANTS’
PROPOSED COUNTERCLAIM AND EXHIBIT G ATTACHED THERETO**

Pursuant to LR 83.12(b) and (c), Plaintiff Frost Solutions, LLC (“Plaintiff”), hereby moves to seal, at Level I, (i) certain portions of Defendants’ proposed Counterclaim and Jury Demand (“Proposed Counterclaim,” which was attached as Exhibit A to Defendants’ Unopposed Motion for Leave to File Counterclaim), and (ii) Exhibit G to the Proposed Counterclaim, to protect sensitive, confidential information. In support thereof, Plaintiff states as follows:

1. On March 13, 2024, Defendants filed an Unopposed Motion for Leave to File Counterclaim (Doc. 59), together with the Proposed Counterclaim (Doc. 59-1), and Exhibit G (Doc. 59-3) to the Proposed Counterclaim, among other exhibits.

2. The Proposed Counterclaim and Exhibit G contain references to information that Plaintiff (and Defendants) designated as Confidential Information under the parties’ Protective Order entered in this case (Doc. 28).

3. Plaintiff consented only in part to Defendants publicly filing the Proposed Counterclaim and Exhibit G.

4. Accordingly, Defendants prepared two versions of the filings, a public version and a confidential version, and filed the Proposed Counterclaim and Exhibit G provisionally under seal pursuant to LR 83.12 and AP 3.3. The publicly-filed version of the filings redacts portions of the Proposed Counterclaim and Exhibit G attached thereto. Additionally, Defendants also redacted a mobile telephone number purportedly belonging to Michael Kirsh, contained in paragraph 96 of the Proposed Counterclaim.

5. Pursuant to Paragraph 6(b) of the Protective Order, Plaintiff, as the non-filing party, seeks to maintain the confidentiality of the redacted material with this Motion to Seal.

6. Specifically, the redacted material contained in Exhibit G to the Proposed Counterclaim (VUE0000182 – VUE0000183) contains sensitive financial and business information relating to the number of customer contracts and the approximate amount of annual revenue those contracts were estimated to generate for Frost Control, the predecessor to Plaintiff Frost Solutions (VUE0000182), as well as the amount of indebtedness Frost Control owed to a third party (the first full paragraph and footnote 1 on VUE0000183). This redacted material is non-public information, the disclosure of which could harm Plaintiff's competitive standing in the industry. *See, e.g., Planet Fitness Int'l Franchise v. JEG-United, LLC*, 633 F. Supp. 3d 484, 508 (D.N.H. 2022) (granting request for assorted business and financial information to be placed under seal and recognizing that such confidential materials could harm a litigant's competitive standing if filed publicly).

7. With respect to the Proposed Counterclaim, the redacted material in paragraphs 56 and 57 contains reference to the transition of the assets of Frost Control to a third party, and the redacted material contained in paragraph 96 contains the mobile number for Michael Kirsh. This material contains confidential business and personnel information, the disclosure of which

could harm Plaintiff's competitive standing in the industry and invade the privacy interests of Mr. Kirsh, respectively.

8. Thus, Plaintiff submits that all of this information should be kept redacted in the publicly-filed version of the Proposed Counterclaim and Exhibit G, as it constitutes Confidential Information in this matter.

9. Plaintiff submits that the unredacted versions of the Proposed Counterclaim and Exhibit G should be held under seal for the pendency of this litigation and thereafter unless and until ordered otherwise by the Court.

10. In accordance with LR 7.1(c), Plaintiff's counsel certifies that they conferred with Defendants' counsel, who advised that they do not assent to the relief sought in this Motion.

11. Pursuant to LR 7.1(a)(2), Plaintiff respectfully submits that no accompanying memorandum of law is necessary as all applicable legal citations are contained herein.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court issue an Order:

- A. Granting Plaintiff's Motion to Seal;
- B. Sealing at Level I the unredacted versions of the Proposed Counterclaim and Exhibit G;
- C. Maintaining on the public file the redacted versions of the Proposed Counterclaim and Exhibit G filed by Defendants; and
- D. Granting such further and additional relief as is deemed just and equitable.

Dated: March 18, 2024

Respectfully submitted,

FROST SOLUTIONS, LLC,

By its attorneys,

/s/ Laura L. Carroll

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically served copies of this document and any exhibits thereto on all counsel of record via the Court's CM/ECF system, pursuant to Fed. R. Civ. P. 5(b)(2)(E).

Dated: March 18, 2024

/s/ Laura L. Carroll

Laura L. Carroll